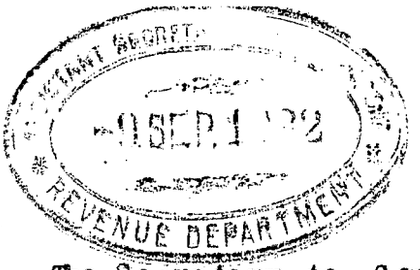
Rev (1933) Department.

MS SERIES.

G.O. No. 364

DATED 25-2-1933



To

14 2906B
9 9 32

The Secretary to Government,

Revenue Department,

M a d r a s.

The Humble petition of -
Kalinga alias Narasimha Aitala, son
of Subbanna Aitala of Hartattu, -
Giliyar Village, Udipi Taluk, -
South Kanara District.

Post Kota, dated 6th September 1932.

Most Respectfully sheweth:

That the petitioner is the first informant to Government about the escheat of certain properties left by one Phaniamma Aithalthy. His petitions to the Collector dated 7-1-1907 and 12-2-1907 were enquired into with the result that the properties were declared an escheat by means of a Gazette Notification dated 13-3-1909 in the District Gazette.

2. The properties had been in the possession of persons not lawfully entitled to have them. A suit for possession of the properties had to be filed, which suit O. S. No. - 953/1912 on the file of the District Munsif of Coondapoor, South Kanara District was decreed in favour of Government.

3. Subsequently another suit O. S. No. 875/1914 was filed against the Collector by a so-called reversioner which suit also resulted in favour of Government.

4. That the said properties having remained with the collector's possession for the statutory period of 12 years were eventually brought to sale and a sum of Rs.6,985/- realized.

5. That the Collector has since communicated to the - Petitioner that the benign Government has in its G. O. No. 1638-Rev-dated 5-8-1932 communicated into B. P. Mis. 2379, dated 9-8-1932 sanctioned only a sum of Rs.100/- as reward to the petitioner for the information which brought Government - nearly Rs.7,000/- together with rentals not only for the previous 12 years but also from the date of death of the last holder.

6. The petitioner being highly aggrieved at the smallness of the reward which he feels bound to prove is quite disproportionate to the time labour and money spent by him in bringing the original investigation by Revenue subordinates as well as the two civil suits mentioned above to a successful issue in favour of Government.

7. The petitioner begs to invite kind attention of the Government to the original records of enquiry by Revenue subordinate It will be seen that it was the petitioner who identified all the 46 sub-divisions of survey fields situated in the aforesaid two villages with reference to old documents. This enquiry alone dragged on for two years before the notification dated 13-3-1909 declaring the property an escheat appeared in the local District Gazette. The petitioner had to dance attendance on the Revenue Inspector, Tahsildar and the Divisional Officer times without number, at the sacrifice of his private duties.

8. Then again when the suits were in trial, the peti-

tioner was specially directed by the then Collector - M. E. Couchman Esq., I. C.S., in his order 1675/Rev.1913 to help the Government Pleader with the necessary documentary evidence. The petitioner was able to secure documents from the custody of interested landholders who would not part with them for love or money. The petitioner succeeded in securing the same at the cost of both. He also secured very ancient document from the Sub Registrar's Office at a heavy cost and yet another from the Brahmavar Sub Registrar's Office. The petitioner moreover had to attend the Court through all the stages of enquiry, adjourment etc as well as to attend on the Government's Vakil in the suits. The petitioner was given to understand that the Government would sanction substantial reward for his services -- as was done in previous escheats.

9. The petitioner has had to spend out of his pocket more than Rs. 200/- in cash for all the purposes narrated in paras 7 and 8. Besides he had to give up his daily vocation in of minding his own agriculture and household duties during the several occasions he has had to attend before the Officers of the Revenue Department as well as of the Courts.

10. The petitioner is possessed of valuable information towards the escheats of three other properties but he is afraid if it is worth the trouble to wait for another 12 years and do all what he had to do in the one case that has just ended with a most inadequate compensation as his reward.

11. For the reasons set forth above, the petitioner most humbly prays that after such further enquiry as is considered necessary, the Government will be graciously pleased to revise its own order G. O. No. Mis. 1638- Mis - dated 5-8-1932

Escheat (S. Kanara) — Udipi taluk — Site, and and Manur villages — Late Bhanimma's property — Reward for informants Enhancement — Petition of — Kalinga alias Narasimha Rao dy 6-9-1932

Endt. no 2906 B/32-1 dy 16. 9. 32

Referred to the Bd. opinion. The Board is requested to report whether the allegations contained in paras 7 to 9 of the petition

Revenue **DEPARTMENT.**

CURRENT No. 5318

Received ..... 19 *Registered* 7.2.33 19

Subject.

Escheat- (South Kanara)- Udipi taluk- Gilliyar and Manur villages- Late Phaniamma's properties- Reward - Kalinga alias Narasimha Aitala -Petition- Remarks submitted.

Reference.. No. B 5249/32--3

Station Madras, *Dated the* 3rd February 33 19

From

A.R.MacEwen Esq.,M.C.,I.C.S.,
Secretary,
~~The~~ Board of Revenue, ~~Revenue~~ Land Revenue and ~~Separate Revenue~~ Settlement, etc.

The Hon.Mr.C.B.Cotterell, C.I.E.,I.C.S.,
Commr.of Land Revenue.

~~Resolution~~ Reference.

Read the following:-

G.O.No.1638 Misc., Revenue, dated 5th August 1932.

II

Endorsement from Government, Revenue Department, No.2906 B/2-1, dated 16th Septr.,1932.

Board's Reference thereon No. B 5249-32-~~1~~ dated 21-9--32.

Letter from E.M.Gawne Esq., I.C.S., Collector of South Kanara Dis.No. 8736-32 dated 25th November 1932:-

Board's reference No.B 5249-32-1, dated 21st Septr., 1932.

I would like to support the petitioner's claim to be paid more than Rs.100 for the share that he had in bringing the escheat proceedings to a successful termination for the Government.

2. I find from the records that the escheat enquiry in the case was started on the petition dated 7th January 1907 submitted by the Memorialist to the Collector, that subsequently he submitted several other petitions to the Collector and the Tahsildar giving useful information on the subject and that his statements were obtained several times, not only by Village officers, but also by the Revenue Inspector and the Tahsildar. I also find that the petitioner obtained from the Sub Registrar office copies of certain documents and produced them before the Village officers and the Revenue Inspector. Settlement having been introduced just three or four years prior to the institution of the escheat enquiry, it was very difficult to identify the properties with reference to the boundaries given in the old documents which did not contain the Survey and sub division numbers. Necessarily, the petitioner's services were useful in this direction as well. Further, there is also record to show that on the 9th August 1913 he was asked by the Collector to attend on the Government Vakil for giving instructions.

locuments 'for love or money' but he secured the same 'at the cost of both' Without meaning to, the petitioner has precise stated his case. He was willing to devote 'love' -i.e., unlimited time and trouble, as well as some money in assisting t escheat. The Tahsildar reports that the petitioner took keen interest in the case not so much to help Government as to see that his ~~xxxxx~~ enemy Venkappa Aithala who was then in possession and enjoyment of some of the properties was deprived of them. It may be that the petitioner was gratifying his dislike of the holder of the properties. But no one who has had experience of these enquiries can doubt that the petitione spent long days waiting at Taluk offices and officers camps fo which he neither asked nor received any remuneration. It is impossible to state how much his time and trouble was worth to the Government or to the petitioner himself but I should think that when it is remembered that the case took seven years and it is proved that right up to the end the Government were still using the petitioner to help them, his statement in para. that he had spent Rs.200 out of his pocket is not exaggerated.

4. In this case the Government had to spend about Rs.740 as costs of the suit, appeal and second appeals. Cost amounti to Rs.550 were awarded to Government who had to pay Rs.175 as costs of some parties. Thus it will be seen that Government had to spend Rs.365 over and above what they got as costs. But it must be remembered that Government in their turn got Rs.1700 as mesne profits and interest, then rentals for the succeeding 15 years during which the property was in their hands. Finally they got about Rs. 7000 as sale proceeds of the property. In fact the property was worth about Rs.10,000 to the Government.

5. The fact that the Government had to litigate to get the property does not seem to be any reason for reducing the 10% reward. Rather it goes to show that the escheat was a tough matter and would certainly have failed unless there had been

behind the proceedings a driving force much stronger than the altruistic enthusiasm of Government servants to present the Government with an escheat property. It is dull work and extra work for subordinates and no commission on result is paid to any Government officer. I think therefore that the petitioner has put up a strong case, whatever his original motives. It may be that the petitioner's statement in para.10 that he knows of other properties that should be escheated may not lead to anything But it is a fact that in this district information about escheats usually comes from private individuals. In this case, the labourer seems worthy of his 10% hire, that is of Rs.700 being 10% of the actual sale proceeds.

5. The petition received is enclosed.

Board's reference thereon No. B 5249-32-2 dated 1-12-1932:-

With reference to paragraph 4 of his letter read above, the Collector is requested to report the amount of rentals realis for the 15 years during which the property in question was in the

Reference.-

Submitted to the Government.

2. The informant's final request is that at least 5% of the sale proceeds and of the rentals realised from the lands when they were in the possession of the Government may be granted as reward. The Board considers that the request is reasonable and recommends that a reward of Rs.500 (Rupees Five hundred only) instead of Rs.700/- proposed by the Collector, may be granted to the informant.

To the Secretary

C No. 29068/32 Escheat - (S. Kanara) - Udipi Tk - Tiliyar and Manne Opes - Thanamma as property - Kalinga alias Narasinga Attiala - Informant Reward - Increase - Petition

From Kalinga alias Narasimha Attala dy 6.9.32

To A.S.

Please see the petition in the Cf 2 Para 11 of B.S.O No 197 provides a reward not exceeding ten per cent of the value of the escheat to the informant. The Board recommended only a reward of Rs 11 as Civil Suit had to be instituted for the recovery of the property. The Govt accordingly sanctioned Rs 100 as reward to the petitioner. He now requests that he might be given at least

Issued as Enclosure to the Board of Revenue L.R. 81 No 2906 B/32 - 9 Cy.

9.6.33

C. No. 2 - B/33. From the Board of Revenue, L.R. 4 - 11-15 Cy

Reg. A-5249/32-37 3-2-33.

To Asst Secy

Please see Board's reply on 11-15 C.f. For orders whether in the circumstances reported the peh may be given a reward of Rs 400/- in addn to Rs 100/- sanctioned in G.O. No Mi 1638 Revy 5-8-1932. Under para 11 of B-S-O 197 he can be given a maximum of Rs 698-8-0 (viz. 10% of the value of the escheat (B 6985 - para 3 at p. 2) (S))

A draft order is submitted for approval. It may be sent to Sri for

The circumstances which justify the enhancement of the reward are explained in the Collector's letter on pages 12-14 C.F. Submitted that the draft order may be accepted

8.2.33.

8.2.33

20.2.33

Sec. II-5 (a)

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ..		

5) READ AGAIN G.O. No. Ms. 1638 Rev, dated 5-8- 1932

" " " " " 19

READ ALSO :—

-7 cf C. No. 2906 B/32. From ~~the~~ Kaluriga alias Narasimha Bitala, No. Nil, dated 6-9- 1932

+15-cf " " 531 B/33 " " Board of Rev. Z.R.O. Lr. B. 5249/32-3 " " 1-2- 1933

" " " " " " " 19

No. 364, dated 25-2- 1933

The Govt sanction the payment of a further sum of Rs ~~400~~ 200/- (Rupees ~~four~~ two hundred ~~only~~ only) to Kaluriga alias Narasimha Bitala as a reward for the information given by him regarding the liability to escheat of the property left by the late Bhanumma in the Udipi taluk of the S. Kanara Dt in addition to the reward Rs 100 already sanctioned vide G.O. Rs.

2) the expenditure should met from the provision made in the current year's budget under "47-R. J. Misc.

To the board of Rev., X-R-El.

Finance

Ag. & Thru. Fin.